

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

ERIC K. WELLS,

Plaintiff,

-vs-

Case No. 12-cv-804

S. MILLER, and
BRIAN FOSTER,

Defendants.

DECISION AND ORDER

The plaintiff has filed a motion asking the Court to reconsider its decision to deny the plaintiff's motion to appoint counsel. In support of his motion, the plaintiff asks the Court to consider that he was diagnosed with a learning problem by a clinical/forensic psychologist for the State of Wisconsin.

The second sentence of Rule 54(b) states that:

any order or other decision, however designated, that adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties does not end the action as to any of the claims or parties and may be revised at any time before the entry of a judgment adjudicating all the claims and all the parties' rights and liabilities.

Motions for reconsideration serve a limited function: to correct manifest errors of law or fact or to present newly discovered evidence. *Caisse Nationale de Credit Agricole v. CBI Indus,*

Inc., 90 F.3d 1264, 1269 (7th Cir. 1996). “Reconsideration is not an appropriate forum for rehashing previously rejected arguments or arguing matters that could have been heard during the pendency of the previous motion.” *Id.* at 1270.

There was nothing incorrect in the Court’s conclusion that the plaintiff is competent to litigate this case himself. Also, there is no indication that the information the plaintiff presented in his motion for reconsideration was unavailable to him at the time of his original motion. Even if that report had been attached to the original motion to appoint counsel, the Court would have made the same evaluation of the information before it and reached the same conclusion regarding the plaintiff’s competence. The motion for reconsideration will be denied. However, the Court will provide the plaintiff with additional time to file his response to the defendants’ motion to dismiss.

IT IS THEREFORE ORDERED that the plaintiff’s motion for reconsideration (Docket #24) is **denied**.

IT IS FURTHER ORDERED that the plaintiff shall file a response to the defendants’ motion to dismiss (Docket #19) on or before **Friday, May 31, 2013**. Failure to file a response by that date may result in the dismissal of this action.

Dated at Milwaukee, Wisconsin, this 9th day of May, 2013.

SO ORDERED,



HON. RUDOLPH T. RANDA
U. S. District Judge